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NOV 18 2004

PATENT

IRDM.025CCD

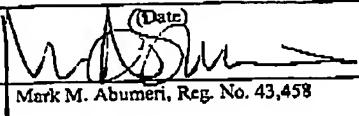
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark W. Miles
Appl. No. : 10/082,397
Filed : August 6, 2002
For : VISIBLE SPECTRUM
MODULATOR ARRAYS
Examiner : Mai, Huy K.
Group Art Unit : 2873

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
marked attachments are being transmitted via
facsimile to the USPTO Central Fax No. (703)
872-9306 on the date shown below:

November 18, 2004


(Date)
Mark M. Abumeri, Reg. No. 43,458AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 3 of this paper.

Remarks begin on page 4 of this paper.

Appl. No. : 10/082,397
Filed : August 6, 2002

AMENDMENTS TO THE SPECIFICATION

Please delete the paragraph at page 7, lines 21-22, as follows:

~~Fig. 23E is a side view of another display configuration.~~

Please replace the paragraph beginning at page 35, line 24 and continuing to page 36, line 2, with the following amended paragraph:

Alternatively ~~Figure 23E shows a display configuration which would utilize~~ utilizes both binary and analog versions of the cavity. In this scheme ~~530 represents~~ there is a binary array which has been designed to modulate across the entire visible spectrum; it is either black or white. ~~Element 628 is~~ There is also an array whose output is continuously variable across this spectrum. Using the binary array to perform brightness control and the analog array to perform color selection allows for the generation of images which have a color gamut that is infinitely variable. This approach would make possible more accurate representations of imagery than are currently possible with fixed color filters such as phosphors or dyes.

Appl. No. : 10/082,397
Filed : August 6, 2002

AMENDMENTS TO THE DRAWINGS

Please delete Figure 23E.

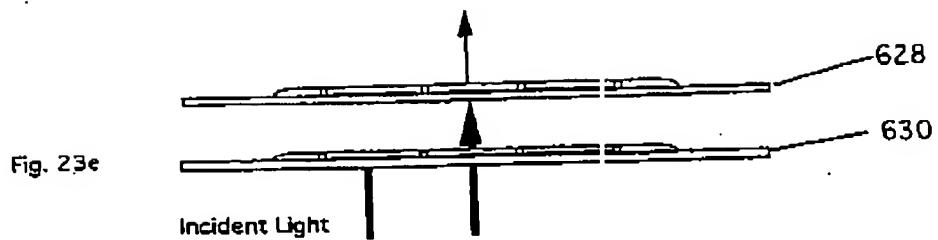


Fig. 23e

Appl. No. : 10/082,397
Filed : August 6, 2002

REMARKS

This Amendment accompanies a Petition Under 37 C.F.R. § 1.182 requesting Withdrawal of Applicant's previously submitted Response to Notice of Omitted Items and Restoration of Applicant's original filing date of February 25, 2002. Pursuant to that Petition, Applicant respectfully requests entry of the Amendments to the Specification and Amendments to the Drawings set forth above. The drawings have been amended to delete Figure 23E, and the specification has been amended to delete reference to Figure 23E, for the reasons set forth in the accompanying Petition.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 18, 2004

By:



Mark M. Abumeri
Registration No. 43,458
Customer No. 20,995
(619) 235-8550

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111704

NOV 18 2004

Docket No.: IRDM.025CCD

Customer No.: 20,995

AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Mark W. Miles
 App. No. : 10/082,397
 Filed : August 6, 2002
 For : VISIBLE SPECTRUM
 MODULATOR ARRAYS
 Examiner : Mai, Huy K.
 Art Unit : 2873

CERTIFICATE OF FAX TRANSMISSION
PTO CENTRALIZED FAX

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November 18, 2004

Mark M. Abumeri, Reg. No. 43,458

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Petition under 37 C.F.R. § 1.182 in 3 pages.
- (X) Exhibit A- Copy of Filing Receipt mailed May 31, 2002
- (X) Exhibit B-Copy of Notice of Omitted Items in Nonprovisional Application
mailed May 31, 2002
- (X) Exhibit C- Copy of Response to Notice of Omitted Items in a Non-Provisional
Application filed July 31, 2002
- (X) Exhibit D-Copy of Filing Receipt mailed September 23, 2002
- (X) Amendment in 4 pages.

The fee has been calculated as shown below:

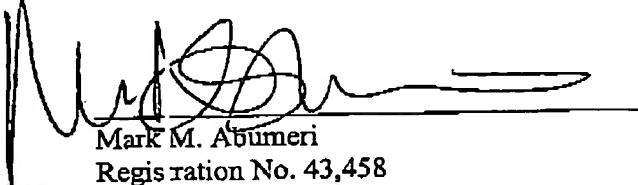
FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	20 - 20 = 0	1202 (\$18)	0 x * =	\$0
Independent Claims	2 - 3 = 0	1201 (\$88)	0 x * =	\$0
			TOTAL FEE DUE	\$0

Docket No.: IRDM.025CCD

Customer No.: 20,995

(X) Please charge the total fees due in the amount of \$130.00 to Deposit Account No. 11-1410.

(X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.



Mark M. Abumeri
Registration No. 43,458
Attorney of Record
Customer No. 20,995
(619) 235-8550

S:\DOCS\MM\MM-9247.DOC\ea\111804

NOV 18 2004

Attorney's Docket No.: 05652.P013XCD

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

)

Mark W. Miles

)

Application No.: 10/082,397

)

Filed: February 25, 2002

)

For: Visible Spectrum Modulator Arrays

)

Assistant Commissioner for Patents
Box Office of Initial Patent Examination
Washington, D.C. 20231

**RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NON-PROVISIONAL
APPLICATION
(FILING DATE GRANTED)**

Sir:

In response to the Notice Of Omitted item(s) in a Non-Provisional (Filing Date Granted) mailed May 31, 2001, please find enclosed:

- (1) Missing Figure 23E as described in the specification.

- (2) a check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. § 1.16(e);

- (3) a copy of the Notice of Omitted Item(s) in a Non-Provisional Application;

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP


Stephen De Klerk
Registration No. 46,503

Dated: _____

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8598

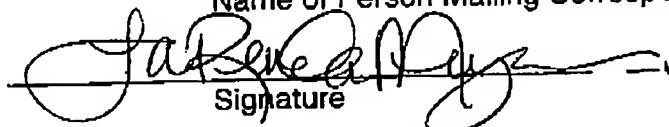
FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on July 31, 2002 _____
Date of Deposit

LaRenda Meyer

Name of Person Mailing Correspondence


Signature

7/31/02
Date

Page 1 of 2

05652 . P03
XCD

UNITED STATES PATENT AND TRADEMARK OFFICE

Iridigm
 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20251
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/082,397	02/25/2002	2873	496	01568-008003	36	12	6

CONFIRMATION NO. 6992

DAVID L. FEIGENBAUM
 Fish & Richardson P.C.
 225 Franklin Street
 Boston, MA 02110-2804

FILING RECEIPT



OC000000008211800

Date Mailed: 05/31/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Mark W. Miles, Boston, MA;

Assignment For Published Patent Application

Etalon, Inc., a MA corporation;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/378,143 08/10/1999
 WHICH IS A CON OF 08/744,253 11/05/1996 PAT 5,986,796
 WHICH IS A CON OF PCT/US95/05358 05/01/1995

Foreign Applications

If Required, Foreign Filing License Granted 05/30/2002

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

ENTERED
 JHS DB

Visible spectrum modulator arrays

Preliminary Class

359

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Iridigm. P013XCD

COMMISSIONER FOR PATENTS

UNITED STATES PATENT AND TRADEMARK OFFICE

WASHINGTON, D.C. 20231

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DLF

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/082,397	02/25/2002	Mark W. Miles	01568-008003

RECEIVED

JUN 6 2002

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DAVID L. FEIGENBAUM
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

DAVID L. FEIGENBAUM JUN 03 2002

FISH & RICHARDSON, P.C.
BOSTON OFFICE

CONFIRMATION NO. 6992

FORMALITIES LETTER



OC000000008211801

Date Mailed: 05/31/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 23E described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(j))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

DOCKETED BY PRACTICE SYSTEMS

Action Code	NYC 01001 H-01
Base Date	5/13/02
Due Date	7/13/02

ENTERED

Page 2 of 2

*A copy of this notice **MUST** be returned with the reply.*

M. Maran

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/082,397	02/25/2002	Marl. W. Miles	01568-008003

CONFIRMATION NO. 6992

FORMALITIES LETTER



OC00000008211801

DAVID L. FEIGENBAUM
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

Date Mailed: 05/31/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

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III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the date of original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

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*A copy of this notice **MUST** be returned with the reply.*

M. manuel

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2
JHS
Iridigm Display Corp.
 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE RECD	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/082,397	08/06/2002	2673	498	05652.P013XCD	37	12	6

James H. Salter
 Blakely, Sokoloff, Taylor & Zafman LLP
 12400 Wilshire Boulevard, Seventh Floor
 Los Angeles, CA 90025

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 SEP 26 2002

BLAKELY, SOKOLOFF, TAYLOR & ZIFMAN
 LOS ANGELES

CONFIRMATION NO. 6992

UPDATED FILING RECEIPT



OC000000008830554

Date Mailed: 09/23/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s):

Mark W. Miles, Boston, MA;

Assignment For Published Patent Application

Etalon, Inc., a MA corporation;

ENTERED

SEP 27 2002

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/378,143 08/20/1999 ABN
 WHICH IS A CON OF 08/744,253 11/05/1996 PAT 5,986,798
 WHICH IS A CON OF PCT/US95/05358 05/01/1995

STATUS DB-LA

Foreign Applications

If Required, Foreign Filing License Granted 05/30/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

ENTERED

DB

Visible spectrum modulator arrays

Preliminary Class
359

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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